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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE RETIREMENT PLAN OF THE UNITE HERE
NATIONAL RETIREMENT FUND,
And The Trustees Of The Unite Here
National Retirement Fund

Index #: 08CV4249

Plaintiffs,

MOTION TO DISMISS

-against-

VILLAGE RESORTS, INC., d/b/a
THE PURPLE HOTEL., and
JOHN DOES 1-10 (all other trades or businesses
under common control with Village Resorts, Inc)

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying Affidavit of Donald Bae
and upon all supporting papers, Defendant will move this Court before the Honorable
Robert P. Patterson Jr. at the United States Courthouse for the Southern District of New
York, 500 Pearl Street, New York, NY 10007, at such time as the Court may direct, for
an order pursuant to Fed. R. Civ. P. 12(B) seeking to dismiss this action on the grounds
of (1) lack of jurisdiction and (2) improper venue or, alternatively, to dismiss this action
pursuant to 28 U.S.C. §1404(a) on the grounds of forum non conveniens and for such
other relief as this Court deems just and proper.

Dated: July 22, 2008
New York, NY

/s/
Raymond Ragues (RR8918)
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To: SHULTE ROTH AND ZABEL, LLP
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